

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Marvin Eubanks,)	C/A No. 0:17-54-DCC
)	
Plaintiff,)	
)	
v.)	
)	
Holly Eubanks; South Carolina)	
Department of Social Services; and)	OPINION AND ORDER
Janice Chapman, individually and for)	
her actions as Lancaster County DSS)	
Director,)	
)	
Defendants.)	
_____)	

Plaintiff filed an action in the Court of Common Pleas for Lancaster County, alleging causes of action for negligence, gross negligence, intentional infliction of emotional distress, civil conspiracy, violation of his constitutional rights, malicious prosecution, and abuse of process. See ECF No. 1-1 at 2–25. Defendants filed a Notice of Removal. ECF No.1. Thereafter, Defendants filed Motions for Summary Judgment. ECF No. 24, 29. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (D.S.C.), this matter was referred to a United States Magistrate Judge for pre-trial handling. The Magistrate Judge issued a Report and Recommendation (“Report”) on February 15, 2018, recommending that the Court dismiss this action with prejudice for failure to prosecute. ECF No. 34. No party filed Objections to the Report and the time for response has lapsed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270–71. The

Court is charged with making a de novo determination of only those portions of the Report that have been specifically objected to, and the Court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (“[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” (quoting Fed. R. Civ. P. 72 advisory committee’s note to 1983 addition)).

Having reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge, the Court finds no clear error and adopts the Report by reference in this Order. Therefore, the case is **DISMISSED WITH PREJUDICE**.

IT IS SO ORDERED.

s/Donald C. Coggins, Jr.
United States District Judge

April 13, 2018
Spartanburg, South Carolina